

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

JASON TROY STANDLEY
SHANNON DAVINA STANDLEY

Debtor

Case No. 22-40689
Chapter 7

TRUSTEE'S OBJECTION TO THE CLAIM OF KENNETH STANDLEY, CLAIM NO. 3

ATTENTION: YOUR CLAIM MAY BE REDUCED, MODIFIED, OR ELIMINATED. ACCORDINGLY, YOU SHOULD READ THIS PLEADING CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU DO NOT WISH FOR THE COURT TO ELIMINATE OR CHANGE YOUR CLAIM, YOU MUST FILE A WRITTEN RESPONSE OPPOSING THE CLAIM OBJECTION, EXPLAINING THE FACTUAL AND/OR LEGAL BASIS FOR THAT RESPONSE.

NO HEARING WILL BE CONDUCTED ON THIS CLAIM OBJECTION UNLESS A WRITTEN RESPONSE IN OPPOSITION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING **WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE** LISTED IN THE CERTIFICATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IN OPPOSITION IS TIMELY SERVED AND FILED, THIS CLAIM OBJECTION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER SUSTAINING THE OBJECTION TO YOUR CLAIM. IF A RESPONSE IN OPPOSITION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING WITH APPROPRIATE NOTICE. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR RESPONSE IN OPPOSITION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW, Mark A. Weisbart, the Chapter 7 Trustee of the bankruptcy estate of Jason Troy Standley and Shannon Davina Standley (the "Trustee") and files this *Objection to the Claim of Kenneth Standley, Claim No. 3* and in support hereof, would show the Court as follows:

JURISDICTION

1. This Court has jurisdiction to consider this objection under 28 U.S.C. §§ 157 and 1333. This matter involves a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (B). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The relief requested in this objection is authorized under Section 502 of Title 11 of the United States Code (the "Bankruptcy Code").

PROCEDURAL AND FACTUAL BACKGROUND

2. On June 2, 2022 (the "Petition Date"), Jason Troy Standley and Shannon Davina

Standley (the “Debtors”) filed a voluntary petition under Chapter 7 of Title 11 of the Bankruptcy Code in this Court commencing the above-referenced bankruptcy case.

3. Thereafter, the Trustee was appointed the interim Chapter 7 trustee for the Debtor’s bankruptcy estate, and has since remained in his capacity as the Chapter 7 trustee in accordance with 11 U.S.C. § 702.

4. On November 11, 2022, Kenneth Standley (“Claimant”), filed a proof of claim asserting an unsecured claim in the sum of \$10,200,000.00 which claim was denoted on the Claims Register as Claim No. 3 (the “Claim”). A true and correct copy of the Claim is attached hereto as Exhibit “A”.

OBJECTION

5. The Claim is contingent and unliquidated and should be disallowed for purposes of the administration of this case by the Trustee, including the distribution of funds to Claimant following approval of the Trustee’s Final Report.

6. Further, upon information and belief, the Claim is unenforceable against the Debtor or property of the Debtor under any agreement or applicable law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Trustee prays that the Court enter an order disallowing the Claim for bankruptcy purposes and granting him such other and further relief to which he is justly entitled.

Respectfully Submitted,

/s/ Mark A Weisbart
Mark A Weisbart
Texas Bar No. 21102650
HAYWARD PLLC
10501 N Central Expy, Suite 106
Dallas, Texas 75231-2203
(972) 755-7103 Phone/Fax
MWeisbart@haywardfirm.com

COUNSEL FOR CHAPTER 7 TRUSTEE

TRUSTEE'S DECLARATION UNDER LOCAL BANKRUPTCY RULE 3007(a)(2)

I, Mark A. Weisbart, the Chapter 7 Trustee, hereby declare under penalty of perjury that I have read the foregoing Objection to the Proof of Claim and that the factual allegations made in such Objection are true and correct to the best of my knowledge, information and belief.

Date: November 20, 2024

/s/ Mark A Weisbart
Mark A Weisbart

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the below party as well as the parties listed on the attached mailing list in accordance with LBR 9013(f) either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid no later than the 21st day of November 2024.

Kenneth Standley
c/o Herrin Law, PLLC
4925 Greenville Ave, Suite 455
Dallas, Texas 75206

/s/ Mark A Weisbart
Mark A Weisbart

Fill in this information to identify the case:

Debtor 1 Jason Troy Standley

Debtor 2 Shannon Davina Standley
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Texas

Case number 22-40689

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Kenneth Standley

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

Herrin Law, PLLC

Name

4925 Greenville Ave. Suite 455

Number Street

Dallas

TX

75206

City

State

ZIP Code

Contact phone 469-607-8551

Contact email ECF@HerrinLaw.com

Where should payments to the creditor be sent? (if different)

Herrin Law, PLLC

Name

4925 Greenville Ave. Suite 455

Number Street

Dallas

TX

75206

City

State

ZIP Code

Contact phone 469-607-8551

Contact email ECF@HerrinLaw.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ Yes. Claim number on court claims registry (if known) _____

Filed on _____

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 10,200,000.00. Does this amount include interest or other charges?
☒ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
fraud

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

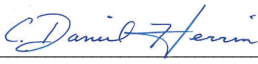
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 11/11/2022
MM / DD / YYYY

/s/ C. Daniel Herrin 
Signature

Print the name of the person who is completing and signing this claim:

Name	C. Daniel Herrin		
	First name	Middle name	Last name
Title	Attorney for Debtor		
Company	Herrin Law, PLLC		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	4925 Greenville, Ave. Suite 455		
	Number	Street	
	Dallas		TX 75206
	City	State	ZIP Code
Contact phone	469-607-8551		Email ECF@HerrinLaw.com

Label Matrix for local noticing
0540-4
Case 22-40689
Eastern District of Texas
Sherman
Wed Nov 20 16:08:47 CST 2024

Chelsa Leann Futrell
Baker Lopez
5728 LBJ Freeway
Ste. 150
Dallas, TX 75240-6340

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711 S. Cedar Ridge Drive
Duncanville, TX 75138-3737

Jason Troy Standley
780 County Road 3525
Paradise, TX 76073-2020

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702-7231

Cliff A Wade
Baker Lopez
5728 LBJ Freeway
Ste 150
Dallas, TX 75240-6340

(p)MARK A WEISBART
ATTN THE LAW OFFICE OF MARK A WEISBART
10501 N CENTRAL EXPY SUITE 106
DALLAS TX 75231-2203

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Lee Gordon
McCreary Veselka Bragg & Allen, PC
PO Box 1269
Round Rock, TX 78665

Mark A. Weisbart
Chapter 7 Bankruptcy Trustee
10501 N Central Expy Suite 106
Dallas, TX 75231-2203

(d)Mark A. Weisbart
Hayward PLLC
10501 N Central Expy Suite 106
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End of Label Matrix
Mailable recipients 11
Bypassed recipients 0
Total 11